REMARKS

This response amends claims 1-3, 11, 16-17, 24-25, 30-33, 35-42, 44, and 46 as shown, in order to address the Office Action having a mailing date of May 24, 2004. A one-month petition for extension of time to extend the deadline for responding to September 24, 2004 was filed separately under a different cover via U.S. Express Mail on September 16, 2004. The claim amendments contained herein represent the features that were agreed upon by the undersigned attorney and USPTO Examiners Nhon (Gary) D. Nguyen and his supervisor Examiner Ba Huynh during a telephone interview conducted on September 15, 2004. These claim amendments, along with other recitations contained in the claims, distinguish over the prior art of record.

The applicants and the undersigned attorney would like to express their thanks and appreciation to Examiners Nguyen and Huynh for taking the time from their busy schedules to speak to the undersigned attorney, and also for their thoughtful and careful consideration of all of the issues raised by the undersigned attorney. These Examiners are also thanked for indicating the presence of subject matter that would distinguish over the references, if certain claim amendments are made, and are also thanked for cooperating with the undersigned attorney with regards to following up on proposed amendments and for providing suggestions as to how to facilitate prosecution of the present application.

By way of interview summary, the undersigned attorney submitted an Applicant Initiated Interview Request Form on September 2, 2004 (hereinafter "Interview Request Form"). This particular form outlined numerous issues that the undersigned attorney believed required further discussion and would distinguish over the cited prior art. During the telephone interview of September 15, 2004, the undersigned attorney and the Examiners discussed the various items listed on the form in detail, and agreed that the claim limitations that were discussed with regards to item A would in fact distinguish over the cited prior art (McNerny and others) if the claims were amended to better recite this feature. More specifically, this particular feature (discussed in item A) involves the capability to switch the presentation/representation (such as a visual representation) of a particular person during a session in the theater, such as changing from one type of visual appearance to another type of visual appearance of the particular person, or

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changing from a visual appearance/presentation to an audio presentation of that particular person. The prior art does not disclose, teach, or suggest this feature.

In discussing this particular feature, Examiner Huynh stated that in McNerney, the video conference can switch from an image of a conference attendee to an image of another conference attendee (a different person). This was a type of presentation "switching" according to Examiner Huynh. However, Examiner Huynh indicated and agreed with the undersigned attorney that McNerney and the other references do not disclose, teach, or suggest the capability to switch between different representations of the same <u>particular person</u> during the session. Moreover, as discussed in further detail on page 19, lines 1-9 of the applicants' prior amendment of February 10, 2004, there is no motivation to modify McNerney to provide this feature, since it would be confusing to conference attendees if a particular person kept changing their visual appearance during the meeting (for example, the other conference attendees would have a difficult time determining which that particular person is present, just joined, is speaking, etc.).

Therefore, independent claims 1-3, 11, 16-17, 24-25, 30-33, 35-42, 44, and 46 are amended as shown to recite the capability to switch representations of the particular person, using varying language. For example, these amended claims clarify that there is a "particular person" that is involved and whose representation/presentation may be switched during the session in the theater (or theater window) between different representations/presentations. Accordingly, these claims are now allowable.

Independent claims 2 and 36 are amended to remove the recitation "no character presentation," thereby overcoming the Examiner's claim objections enumerated on page 2 of the Office Action. These claims are thus allowable.

With regards to the other issues enumerated in the Interview Request Form, the undersigned attorney and the Examiners were not able to come to a definitive agreement. For example, with regards to item C, there was some debate as to whether "capturing an image" (such as with a camera) is the same as "sensing geographic features." Also, there was some debate as to whether the "sensing control points ..." and "wavelet-based feature tracking" features recited in claims 32 and 42, respectively, were present in the prior art of record or may be found within other prior art after further search. With regards to items D ("users organized in communities" and various "hierarchical" recitations) and E ("toggling off"), the Examiners

indicated that further review of the references would be needed in order to determine the distinctiveness of these features. The undersigned attorney respectfully submits that these enumerated features are distinctive over the art for at least the reasons discussed in the Interview Request Form), and such reasons are repeated and/or presented below for the record:

Independent claims 1, 3, 11, and 40 recite, in varying language, a three-dimensional avatar representation based on "sensed geographic features of the person." These claims were rejected on the basis of McNerney in view of Eliat (col. 7, lines 53-63, and Figure 4, col. 11, line 55 to col. 12, line 19 of Eliat cited by the Examiner). These sections of Eliat do not disclose any type of "sensing", let alone "sensing of geographic features of the person." Rather, Eliat uses a video camera to *capture/photograph* an image of the person, and *combines* the captured image into an avatar—there was/is no sensing performed in Eliat—capturing an image (such as by obtaining a still frame of video) and "pasting" the captured image into a picture is not the same as generation of a three-dimensional avatar representation based on sensed geographic features of the person.

More specifically, with video (or still) photography, a lens is used to focus an image of an *object* (such as a person) onto photographic film. As is known with the science of photography, light rays bounce off the object, and are redirected by the lens so that they come together to form an image. The lens then focuses the image onto the photographic film. *See, e.g.*, http://entertainment.howstuffworks.com/camera1.htm for further explanation regarding the operation of cameras. Clearly since photography merely involves the redirection of light, there is no "sensing of geographic" features performed with photography.

Independent claims 32 and 42 were rejected on the basis of McNerney in view of Eliat and in further view of LeBlanc and recite, respectively, "sensing control points overlaid on the person's image to show feature tracking performance" and " visual sensing by using wavelet-based feature tracking." These features are not disclosed in LeBlanc. Rather, the user in LeBlanc performs a manual manipulation of an image. For example, LeBlanc (col. 4, lines 18-42) discusses how the user can move a cursor across a GUI to change/shape the image.

Therefore, based on the above-discussed features in independent claims 1, 3, 11, and 40 and in independent claims 32 and 42, these claims are allowable. These claims are also

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made further allowable by addition of the recitation of the capability to "switch representations" of the particular person (or similar language).

Independent claim 25 recites "users organized into communities". Claims 26-29 further respectively recite that the communities are in hierarchical levels, a user is a moderator for his level, the moderator/user can control access to the level, and the hierarchical levels comprise cities having neighborhoods, houses, rooms, etc. These claims were rejected on the basis of McNerney in view of Herrick. The applicants respectfully disagree with this rejection in that col. 1, lines 37-55 of Herrick discloses a standard hierarchical structure of *objects* that can be accessed by users, wherein a *system moderator* controls access by users. So, the differences are that the hierarchical structure of Herrick organizes *objects* (rather than organizing "users"); that a system moderator of Herrick (rather than one of the users *in the hierarchical structure* itself) controls access or otherwise acts as moderator; and no mention of cities, neighborhoods, houses, etc. in Herrick.

Accordingly, claims 25-29 are allowable based on at least these recitations. These claims are made further allowable by adding the recitation of "capability to switch between different representations of the particular person during a session in the theater," which as discussed above, is not disclosed, taught, or suggested by any of the references.

Independent claim 31 recites that the "rich media window may be *toggled off.*" To support the rejection, the Examiner cited Figure 25 of Honda, stating that the chat/text window can be maximized, which presumably will cause the rich media window to disappear or "toggle off." The applicants respectfully disagree with this interpretation of Honda. Maximizing the text window of Honda will not "toggle off" the rich media window—the video or other underlying content presented (including audio) in the rich media window will continue to be presented (albeit hidden but still audible) when the text window is maximized. For example, if a user minimizes an Internet browser window while streaming audiovideo is playing thereon, and then maximizes an MS Word window to read/write text, the audiovideo in the minimized browser window will continue to stream and be audible/presented in the background— maximizing the MS Word Window does not "toggle off" the underlying browser/media window.

Accordingly, the "toggled off" feature recited in independent claim 31 is distinctive and makes the claim allowable. Claim 31 is made further allowable by addition of the

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recitation "capability to switch between different representations of the particular person during a session in the theater," which as discussed above, is not disclosed, taught, or suggested by any of the references.

Overall, none of the references singly or in any motivated combination disclose, teach, or suggest what is recited in the independent claims. Thus, given the above amendments and accompanying remarks, the independent claims are now in condition for allowance. The dependent claims that depend directly or indirectly on these independent claims are likewise allowable based on at least the same reasons and based on the recitations contained in each dependent claim.
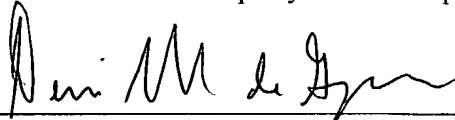
If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to the allowability of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 622-4900.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Since the fee for the petition for one-month extension of time was separately filed, it is believed that funds need not be charged from the Deposit Account in order to pay for this extension.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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